UNITED STATES DISTRICT COURT WESTERN DISTRICT OF NORTH CAROLINA CHARLOTTE DIVISION 3:23-mc-7-RJC

STACI ANNE BRAUN, on behalf of C.B., a minor,))
Petitioner,))
vs.	ORDER
STATE OF NORTH CAROLINA,)
Respondent.)))

THIS MATTER is before the Court *sua sponte*.

Staci Anne Braun, proceeding *pro se*, purported to seek a writ of habeas corpus on behalf of her minor daughter, C.B. [Doc. 1]. On January 26, 2023, the Petition was dismissed without prejudice on initial review, and Ms. Braun was granted the opportunity to amend. [Doc. 3]. She was cautioned that, "[i]f Ms. Braun fails to timely comply …, this case will be dismissed without prejudice and closed without further notice." [Id. at 6]. Ms. Braun has not filed an Amended Petition and the time to do so has expired.

Ms. Braun appears to have abandoned this action. Therefore, this action will be dismissed without prejudice. See Fed. R. Civ. P. 41(b) ("If the plaintiff fails to prosecute or to comply with these rules or a court order, a defendant may move to dismiss the action or any claim against it."); Link v. Wabash R.R. Co., 370 U.S. 626, 630-33 (1962) (although Rule 41(b) does not expressly provide for sua sponte dismissal, Rule 41(b) does not imply any such restriction and a court has the inherent power to dismiss a case for lack of prosecution or violation of a court order).

IT IS, THEREFORE, ORDERED that:

- This action is **DISMISSED** without prejudice for failure to comply with the Court's January 26, 2023 Order.
- 2. The Clerk of Court is directed to close this case.

Signed: March 9, 2023

Robert J. Conrad, Jr.

United States District Judge